

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
v.)
)
PAT ALLEN POTTER,)
)
Defendant.)

No. 3:24-CR-35-TAV-JEM

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or recommendation as appropriate. This case is before the Court on Defendant Pat Allen Potter's Unopposed Motion to Continue Trial and Related [Doc. 17], filed on May 17, 2024.

In support of his motion, Defendant states that despite reasonable diligence, this case is not ready for trial. Defense counsel has received discovery but needs additional time to continue reviewing discovery, investigating matters central to the case, and discuss the matter with Defendant. Further, Defendant asserts that a continuance will provide the parties the opportunity to make a full resolution of the case. Defendant's motion reflects that he understands that the period of time between the filing of this motion for continuance and a rescheduled trial date shall be fully excludable for speedy trial purposes. Counsel for the Government does not oppose a continuance.

Based upon the information in Defendant's motion and because the Government does not oppose the continuance, the Court finds the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). In making this determination, the Court has considered the factors set forth in 18 U.S.C. § 3161(h)(7)(B). Specifically, the Court concludes that failing to grant a continuance would both

result in a miscarriage of justice and deny counsel for Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See id.* § 3161(h)(7)(B)(i)–(iv). Defense counsel needs more time to review, discuss, and evaluate discovery with Defendant, determine if any pretrial motions are appropriate, and otherwise prepare for trial. The Court finds that all of this cannot occur before the June 18, 2024 trial date.

The Court therefore **GRANTS** Defendant Pat Allen Potter's Unopposed Motion to Continue Trial and Related [Doc. 17]. The trial of this case is reset to **October 22, 2024**. A new, comprehensive trial schedule is included below. Because the Court has found that the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial, all of the time between the filing of the motion on May 17, 2024, and the new trial date is fully excludable time under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(1)(D), (h)(7)(A)–(B).

Accordingly, it is **ORDERED** as follows:

- (1) Defendant Pat Allen Potter's Unopposed Motion to Continue Trial and Related [Doc. 17] is **GRANTED**;
- (2) the trial of this matter is reset to commence on **October 22, 2024, at 9:00 a.m.**, before the Honorable Thomas A. Varlan, United States District Judge;
- (3) all time between the filing of the motion on **May 17, 2024**, and the new trial date of **October 22, 2024**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) the deadline for filing pretrial motions is extended to **June 17, 2024**, and responses to motions are due on or before **July 1, 2024**;
- (5) the deadline for filing a plea agreement in the record and providing reciprocal discovery is **September 23, 2024**;
- (6) the deadline for filing motions *in limine* is **October 7, 2024**;

(7) the parties are to appear before the undersigned for a final pretrial conference on **October 8, 2024, at 10:00 a.m.**; and

(8) requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4 shall be filed on or before **October 11, 2024**.

IT IS SO ORDERED.

ENTER:


Jill E. McCook
United States Magistrate Judge